

143 § 3Q PUBLIC SAFETY AND GOOD ORDER

1962 Enactment. St.1962, c. 630, § 2, provided: "Notwithstanding the provisions of section three Q of chapter one hundred and forty-three of the General Laws, inserted by section one of this act, no rule or regulation promulgated by the department of public safety relative to the installation of sprinkler systems in convalescent or nursing homes and rest homes shall take effect prior to January first, nineteen hundred and sixty-five."

1966 Amendment. St.1966, c. 614, § 6, approved Sept. 2, 1966, extended application of section to include charitable homes for the aged. See, also, notes under section 1 of this chapter.

1968 Amendment. St.1968, c. 406, approved June 18, 1968, modified proviso of second sentence by inserting "or because the home is authorized to contain not more than twenty-five beds."

1972 Amendment. St.1972, c. 802, § 20, approved July 19, 1972, and by section 77 made effective Jan. 1, 1975, added "and the state building code commission" to the first sentence. See, also, the note under c. 23B, § 16.

Cross References

State building code commission and its adoption of code, see c. 23B, § 16 et seq.

Library references: Asylums 3; C. J.S. Asylums § 5.

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In general 1

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1. In general

Commissioner of public safety was not required to accept views of city's wiring inspector in determining whether commissioner should order installation of sprinkler system in building used by city for infirmary or whether alternative methods of fire protection should be relied on. *City of Malden v. Commissioner of Public Safety* (1972) 282 N.E.2d 683, 1972 Mass.Adv.Sh. 1010.

City ordinances and town by-laws which are not inconsistent with or repugnant to any rules and regulations authorized to be promulgated by Department of Public Safety by this section, would be valid. *Op.Atty.Gen.* Aug. 1963, p. 99.

This section regarding rules and regulations regarding safety of persons and fire prevention in convalescent and nursing homes, contemplates that a hearing is to be held before installation of sprinkler system is to be ordered for any home or homes and that department may require alternative method of fire prevention where sprinkler system would be unnecessary or impractical either as to location, size or construction of home. *Id.*

2. Review

Conclusion of commissioner of public safety that sprinkler system should be installed in wood frame building used by city for care of old and infirm was supported by substantial evidence. *City of Malden v. Commissioner of Public Safety* (1972) 282 N.E.2d 683, 1972 Mass.Adv.Sh. 1010.

§ 3R. Apartment houses; exterior doors and locks; enforcement

Text of section effective until Jan. 1, 1975

At least one of the doors of the main common entry way into every apartment house having more than three apartments shall be so designed or equipped as to close and lock automatically with a lock, including a lock with an electrical-operated striker mechanism, a self-closing door and associated equipment, and such lock, door or equipment shall be of a type approved by the board of standards in the department. Every door of the main common entry way and every exterior door into every such apartment house, other than the door of such main common entry way which is equipped as provided in the preceding sentence, shall be equipped with a lock of a type approved by said board of standards; provided, however, that the commissioner may, in writing, waive any of the requirements of this section in appropriate cases in which, in his opinion, other security measures are in force which adequately protect the residents of such apartment house. Whoever, being in control of such premises, wilfully and knowingly violates the provisions of this section shall be punished by a fine of not more than five hundred dollars.

This section shall not apply to lodging houses, as defined in section twenty-two of chapter one hundred and forty, dormitories of charitable, educational or philan-

PUBLIC SAFETY AND GOOD ORDER 143 § 3R

thropic institutions, or projects of housing authorities, as defined in chapter one hundred and twenty-one.

The provisions of this section shall be enforced by an inspector of buildings in a city or town having such an inspector, and in a city or town not having an inspector of buildings by an inspector of the division of inspection of the department.

Added by St.1965, c. 464, § 1. Amended by St.1967, c. 142; St.1967, c. 735, § 1; St.1968, c. 319; St.1969, c. 303.

For text of section effective Jan. 1, 1975, see section 3R, post.

§ 3R. Apartment houses; exterior doors and locks

Text of section effective Jan. 1, 1975

At least one of the doors of the main common entryway into every apartment house having more than three apartments shall be so designed or equipped as to close and lock automatically with a lock, including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment, and such lock, door or equipment shall be of a type approved by the state building code commission. Every door of the main common entryway and every exterior door into every such apartment house, other than the door of such main common entryway which is equipped as provided in the preceding sentence, shall be equipped with a lock of a type approved by said state building code commission; provided, however, that the said commission may, in writing, waive any of the requirements of this section in appropriate cases in which, in its opinion, other security measures are in force which adequately protect the residents of such apartment house. Whoever, being in control of such premises, willfully and knowingly violates the provisions of this section shall be punished by a fine of not more than five hundred dollars.

This section shall not apply to lodging houses, as defined in section twenty-two of chapter one hundred and forty, dormitories of charitable, educational or philanthropic institutions, or projects of housing authorities, as defined in chapter one hundred and twenty-one.

Added by St.1965, c. 464, § 1. Amended by St.1967, c. 142; St.1967, c. 735, § 1; St.1968, c. 319; St.1969, c. 303; St.1972, c. 802, § 21.

For text of section effective until Jan. 1, 1975, see section 3R, ante.

1965 Enactment. St.1965, c. 464, § 1, was approved May 17, 1965, and by section 2 was made effective Jan. 1, 1966.

1967 Amendments. St.1967, c. 142, approved April 12, 1967, made this section inapplicable to projects of housing authorities as defined in c. 121.

St.1967, c. 735, § 1, approved Nov. 18, 1967, and by section 2 made effective March 1, 1968, inserted, in first paragraph, second sentence.

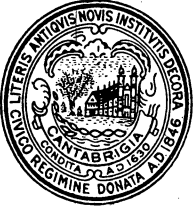
1968 Amendment. St.1968, c. 319, approved May 24, 1968, added paragraph providing for enforcement of this section.

1969 Amendment. St.1969, c. 303, approved May 15, 1969, inserted "including a lock with an electrically-operated striker mechanism, a self-closing door and associated equipment, and such lock, door or equipment shall be" in first sentence of first paragraph.

1972 Amendment. St.1972, c. 802, § 21, approved July 19, 1972, and by section 77 made effective Jan. 1, 1975, substituted "state building code commission" for "board of standards in the department" at the end of the first sentence of the first paragraph, for "board of standards" in the second sentence of the first paragraph; substituted "commission" for "commissioner" in the proviso of the second sentence of the first paragraph; and deleted the third paragraph which provided for enforcement of the section by an inspector of buildings and by an inspector of the division of inspection in a city or town not having an inspector. See, also, the note under c. 23B, § 16.

Cross References

State building code commission and its adoption of code, see c. 23B, § 16 et seq.



CITY OF CAMBRIDGE

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CHARLES WATSON
LEGISLATIVE AGENT

June 6, 1974

Mr. Paul E. Healy
City Clerk
City Hall
Cambridge, Massachusetts

Dear Mr. Healy:

You have requested my opinion whether a proposed amendment to the BOCA Basic Building Code applies to public housing units.

With relation to the portion of the proposed ordinance requiring exterior locks, please be advised that the legislature in their wisdom has exempted lodging houses, dormitories of charitable, educational or philanthropic institutions, or projects of housing authorities from the lock requirements. This was affected by General Laws, Chapter 143, Section 3R., a copy of which I am enclosing.

It is also my opinion that whereas there is no exemption by state law from the requirement of an inter-communications system, that this section of the proposed ordinance would apply to public housing.

Very truly yours,

Edward D. McCarthy
City Solicitor

EDMcC:jm
Enc.

cc: Charles F. Sprague

Comm. from the City Solicitor regarding
the amendment to the BOCA Basic Building
Code with reference to public housing.

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In City Council,

June 10, 1974 :

6/10/74

Placed on File